

## AN ORDINANCE

### AMENDING CHAPTER THIRTY-FIVE OF THE CITY CODE, ARTICLE III: ZONING, AND APPENDIX A BY ADDING A NEW SECTION 35-339.02, NATIONAL HIGHWAY SYSTEM HIGH PRIORITY CORRIDOR DISTRICTS.

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**WHEREAS**, the City's Master Plan Policies, adopted May 29, 1997 recommended that the City develop strategies and initiatives to increase opportunities for international transportation of people and goods to strengthen San Antonio's position in global economic and cultural markets; and

**WHEREAS**, since passage of the North American Free Trade Agreement (NAFTA) traffic has increased on the major highways in South Texas;

**WHEREAS**, the Transportation Equity Act for the 21<sup>st</sup> Century designates High Priority Corridors;

**WHEREAS**, Interstate 35 has been designated a High Priority Corridor;

**WHEREAS**, between 1990 and 2000 certain locations of Interstate 35 within the San Antonio City Limits have experienced average daily traffic increases by as much as 127%;

**WHEREAS**, additional High Priority Corridors in San Antonio could be designated through an act of Congress;

**WHEREAS**, the City Council aims to preserve, enhance, and perpetuate the value of designated High Priority Corridors; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, Article III, is hereby amended by adding a new Section 35-339.02 as follows:

#### **35-339.02      NATIONAL HIGHWAY SYSTEM HIGH PRIORITY CORRIDOR DISTRICTS**

*Within the city there are Interstate Highways that contribute to domestic and international trade between the United States, Canada and Mexico. Significant infrastructure improvements have been or will be completed to further facilitate trade and commerce and contribute to the economic development initiatives of the City of San Antonio. To preserve, enhance, and perpetuate the value of these Interstate Highways the City Council hereby authorizes the*

establishment of a National Highway System (NHS) High Priority Corridor overlay zoning district.

The purposes of this overlay district is as follows:

- To create a more attractive, cohesive, and safe environment for visitors, freight traffic and area residents.
- To create favorable impressions of San Antonio to further promote targeted economic development initiatives of the city.
- To enhance San Antonio's image as a family friendly City.
- To preserve, protect, and enhance areas of high tourist and visitor visibility.
- To enhance the appearance and economic viability of areas along Interstate Highways.
- To reduce visual chaos and limit driver distractions along public roadways.
- To protect publicly funded capital investments in the national transportation infrastructure.

**(a) NHS High Priority Corridor District Established.**

This section authorizes the establishment of a NHS High Priority Corridor overlay district. However, separate ordinances are required to establish each district. This division also specifies the general purposes of the NHS High Priority Corridor district and the scope of the standards that the separate ordinances may address. Ordinances establishing each district shall identify the street corridor(s) and specify the individual purposes and standards for that district. In event of a conflict between the provisions of a specific corridor ordinance and other provisions of the Municipal Code, the provisions of this section shall apply.

**(b) Designation Criteria.**

To be designated an NHS High Priority Corridor District an area must be designated as a High Priority Corridor in the National Highway System in accordance with Section 1118 of the Transportation Efficiency Act of the 21<sup>st</sup> Century enacted in 1998 amending Title 23 of the United States Code (23 U.S.C).

**(c) Initiation Procedures and Zoning Classification**

- (1) City Council Resolution shall initiate zoning changes to establish a specific NHS High Priority Corridor district.
- (2) The Planning Department shall undertake land use and other background studies necessary to establish a NHS High Priority Corridor district. All property owners

within the proposed district and adjacent areas shall be afforded an opportunity to participate in drafting the proposed regulations through public hearings and meetings.

- (3) A NHS High Priority Corridor district is established as an overlay district to the regular base zoning districts established by the Unified Development Code.
- (4) The zoning designation for the NHS High Priority Corridor district shall consist of a base zone symbol and the overlay district symbol IH as a suffix. High Priority Corridor districts shall be numbered sequentially to distinguish among different districts, i.e., IH-1, IH-2, etc.

**(d) Boundaries.**

A NHS High Priority Corridor district shall be designated on both sides of a street except when one side is not located within the City of San Antonio. The maximum width of a district along either side of the street right-of-way shall not exceed 1,000 feet. The minimum length of a district shall be 2,640 feet.

**(e) Zoning/Rezoning Plan.**

An NHS High Priority Corridor district may be adopted as an overlay zone on top of the existing base zoning to incorporate additional urban design standards, and to ensure safe traffic movement within the corridor. The zoning ordinance creating a NHS High Priority Corridor District shall include a development plan. Uses allowed in the corridor shall be in accordance with the design and development standards found in Table 35-339.02-1 of this section. The City Council may elect to rezone all or portions of the district to reflect compatible land use relationships.

- (1) The development plan approved as part of the zoning ordinance creating a Corridor District shall include Development and Design Standards for new construction of any building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure as set forth in subsection (f) below.
- (2) The Development Plan and requisite Development and Design Standards shall not apply to those activities that constitute ordinary maintenance and repair of the building or site using the same or similar material and design.
- (3) Nonconforming structures shall be governed by Article VII of this Chapter.

**(f) Development and Design Standards.**

Development and Design Standards for the Corridor District may only include the following elements and no others governing the physical characteristics and features of all property (public or private) within the proposed corridor district:

- (1) siting, grading;
- (2) building size;
- (3) lot coverage; floor area ratio;
- (4) front and side yard setbacks;
- (5) lot frontage;
- (6) driveway size and sidewalks;
- (7) parking, off-street parking and loading requirements;
- (8) screening of lighting for entrances, parking lots, walkways and building exteriors;
- (9) screening; fences, walls and berms;
- (10) landscaping to encourage the use of native trees and plants;
- (11) tree preservation;
- (12) natural areas to encourage the use of native trees and plants;
- (13) noise levels;
- (14) building materials;
- (15) street wall façade of permanent structures;
- (16) trash receptacles, utility boxes;
- (17) satellite dishes and components;
- (18) solar systems and components.

**(g) Corridor Ordinance Administration.**

- (1) A site plan and building elevations for all properties within a corridor district shall be submitted in conjunction with an application for a building permit as required by the City's Building Code. The plan shall be on a standard drawing sheet of a size not to exceed twenty-four by thirty-six (24 x 36) square inches and shall be submitted in four (4) copies, including one reproducible copy, together with a reproducible eight and one-half by eleven (8.5 x 11) inches reduction of the plan.
- (2) The site plan shall include the following, as applicable, for a particular corridor district:
  - A. Street address, legal description, vicinity diagram, scale, north arrow, and perimeter boundaries;
  - B. Location and dimensions of existing and/or proposed structures, easements, driveways, and parking areas;
  - C. Location and height of required screening;
  - D. Locations and dimensions of all signs and appurtenances; and
  - E. Location of lighting.
- (3) Building elevations shall include:
  - A. Building materials; and
  - B. Building dimensions and details.

- (4) No building permit shall be issued by the Development Services Department for new construction or an alteration or addition to the street facade of an existing building or structure within a designated NHS High Priority Corridor District without the submission and approval of design plans submitted in conformance with the Development and Design Standards established pursuant to subsection (f) above and the issuance of a Certificate of Compliance by the Planning Director, provided however, a sign permit may be issued upon review of the applicable corridor ordinance by the Development Services Department without issuance of a Certificate of Compliance by the Planning Director.
- (5) The Development Services Director shall forward a copy of a building permit application to the Planning Director for review and comment. Upon receipt of all submittal materials required in subsection (1), the Planning Director shall issue or deny a Certificate of Compliance to the applicant within ten (10) working days. If approved or disapproved, the plan shall be so annotated and the plan shall be returned to the Development Services Department.
- (6) If the plan is not approved, the applicant may appeal the staff decision to the Board of Adjustment.

**(h) Sign Standards.**

- (1) *General.* The provisions of Section 28-220 of the Municipal Code shall apply to corridor districts established pursuant to this section, provided that in the event of a conflict between the provisions of a specific corridor ordinance and Section 28-220, the most restrictive provisions shall apply.
- (2) *Prohibited signs.* In addition to the signs prohibited by Section 28-220, no signs shall be permitted in public rights-of-way except for licensed residential monument signs and other signs expressly authorized by permit or license before the effective date of this section.
- (3) *Nonconforming signs.* Abatement of nonconforming signs shall be governed by Section 28-245, Nonconforming Sign Abatement, of this Code; provided however that the right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the device is damaged or destroyed from any cause whatsoever and the cost of repairing such damage or destruction exceeds sixty percent (60%) of the replacement cost of the sign on the date of such damage or destruction.
- (4) *On Premises Signs.* The maximum sign height and message area shall be as indicated in Table 35-339.02-1. Sign consolidation incentives may be considered for individual corridors not to exceed the maximum sign areas in Table 35-339.02-1.

- (5) Off Premises Advertising Signs and Billboards. This ordinance does not prohibit signs advertising goods or services off-premises. However, such a prohibition may be adopted as a requirement of a designated corridor.
- (6) Sign Master Plan Development Agreements. No provision in this section may be construed to prohibit a Sign Master Plan Development Agreement as defined by Section 28-244 of the Municipal Code.
- (7) Automobile Sales. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each two-hundred (200) linear feet of street frontage in accordance with Table 35-339.02-1. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 35-339.02-1. On lots with frontage on more than one street, the same shall apply for each street.
- (8) Definitions. For the purposes of this section the following definitions apply:

Dual Tenant Sign. Dual tenant signs are signs that advertise no more than two (2) businesses, each with a separate Certificate of Occupancy on the same platted lot. Provisions pertaining to dual tenant signs may only be used when no more than two businesses occupy a single platted lot. An individual tenant shall not exceed the maximum allowable message area of a single tenant sign as designated in Table 35-339.02-1. Commentary: The provision of dual tenant signs in corridor districts is to encourage the reduction in the number of freestanding signs.

Monument Sign. Monument signs are signs that are directly supported by the earth for the full width of the sign face area.

Freestanding Sign. Freestanding signs means any type of sign supported by structures or supports that are placed on, or anchored in, the ground and is independent of any structure and of a permanent nature. This type of sign shall include any form of monument sign as defined in Chapter 28 of the Municipal Code.

(j) **Public Facilities and Utilities**

Public agencies shall take into account a corridor designation and be sensitive to the intent and provisions of a corridor ordinance in the siting and design of projects and facilities that are located within or adjacent to a corridor district. On-site utilities may be required to be located underground unless required by the utility to be otherwise located. Public agencies that own property within a corridor district shall be encouraged to provide landscaping along public rights-of-way.

**TABLE 35-339.02-1**

**1. MAXIMUM SIGN HEIGHT**

The maximum sign height for freestanding signs shall be established in accordance with the table below as measured feet. The maximum sign heights below shall apply to Arterial Type A, Arterial Type B and Expressways in the District.

<u>A. Single Tenant</u>	<u>10 – 45 ft.</u>
<u>B. Dual Tenant</u>	<u>10 – 45 ft.</u>
<u>C. Multiple Tenant</u>	<u>10 - 50 ft</u>

Up to an additional 5 feet of overall sign height may be added if the adjacent street grade is elevated. The difference in elevation between the property and the street grade shall be the determining factor in the height allowed.

**2. MAXIMUM FREESTANDING SIGN MESSAGE AREA (single/dual/multiple tenant)**

The maximum sign face area for freestanding signs shall be established in accordance with the table below as measured in square feet. The maximum sign face areas shall apply to Arterial Type A, Arterial Type B and Expressways in the District.

<u>A. Single Tenant</u>	<u>100 – 300 sq ft</u>
<u>B. Dual Tenant</u>	<u>100 - 375 sq ft</u>
<u>C. Multiple Tenant</u>	<u>130 - 500 sq ft</u>

**3. NUMBER OF FREESTANDING SIGNS**

To be determined for each designated NHS High Priority Corridor District, provided that, one freestanding sign per platted lot is permitted. Additional freestanding signs may be permitted if a minimum spacing between signs of two hundred (200) feet exists along one side of the street and no sign is within the clear vision area defined by Section 35-506. Except in those instances provided in section (h) (7) above, additional freestanding signs shall not exceed seventy-five (75%) percent of the allowable height and size set out in Table 35-339.02-1.

**4. MAXIMUM ATTACHED SIGN MESSAGE AREA**

The maximum allowable sign area, as a percentage of the area of each building elevation, for attached signs along all street frontage shall be as follows, provided that each occupancy that has a separate and distinct public entrance located on an Arterial Type B street shall be allowed a minimum of fifty (50) square feet of sign message area, each occupancy that has a separate and distinct public entrance located on an Arterial Type A street shall be allowed a minimum of seventy five (75) square feet of sign message area, and each occupancy that has a separate and distinct public entrance located on an Expressway shall be allowed a minimum of one hundred (100) square feet of sign message area.

A. Cabinet Sign; Painted or Flat Sign 15%

B. Channel Letters Raised or Incised 20%

**SECTION 2.** Chapter 35, Unified Development Code, Appendix A, Definitions and Rules of Interpretation, of the City Code of San Antonio, Texas, is hereby amended by adding a new definition as follows:

**Street Wall Façade**

That portion or portions of any permanent structure that is visible from any dedicated public right of way.

**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Codes to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 7.** This ordinance shall become effective on \_\_\_\_, 2004.

**PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2004.**

**M A Y O R**

**ATTEST:**

**City Clerk**

**APPROVED AS TO FORM:** \_\_\_\_\_  
**City Attorney**